

110TH CONGRESS
1ST SESSION

H. RES. 243

Calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Nguyen Van Ly, Nguyen Van Dai, Le Thi Cong Nhan, and other political prisoners and prisoners of conscience, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2007

Mr. SMITH of New Jersey (for himself, Mr. ROYCE, Mr. ROHRABACHER, Mr. McCOTTER, Mr. WOLF, Mr. RENZI, Mr. DANIEL E. LUNGREN of California, Mr. TOM DAVIS of Virginia, and Mr. PASCRELL) submitted the following resolution; which was referred to the Committee on Foreign Affairs

RESOLUTION

Calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release Father Nguyen Van Ly, Nguyen Van Dai, Le Thi Cong Nhan, and other political prisoners and prisoners of conscience, and for other purposes.

Whereas, on February 18, 2007, Vietnamese police raided the parish house of Father Nguyen Van Ly and confiscated computers, telephones, more than 100 mobile phone cards, and more than 200 kilograms of documents;

Whereas the police moved Father Ly to the remote location of Ben Cui in central Vietnam, where he is under house arrest;

Whereas Father Ly is a former prisoner of conscience, having spent a total of over 13 years in prison since 1983 for his advocacy of religious freedom and democracy in Vietnam;

Whereas Father Ly is one of the founders of “Block 8406”, a democracy movement that started in April 2006 when hundreds of people throughout Vietnam signed public petitions calling for democracy and human rights;

Whereas Father Ly is also a founder of a new political party, the Vietnam Progression Party, and one of the primary editors of “Freedom of Speech” magazine;

Whereas, on March 6, 2007, Vietnamese police arrested one of Vietnam’s few practicing human rights lawyers, Nguyen Van Dai, who has defended individuals arrested for their human rights and religious activities, is the co-founder of the Committee for Human Rights in Vietnam, and is one of the principal organizers of the Block 8406 democracy movement;

Whereas, on March 6, 2007, Vietnamese police also arrested Le Thi Cong Nhan, a human rights lawyer, a member of “Block 8406”, the principal spokesperson for the Progression Party, and a founder of the Vietnamese Labor Movement;

Whereas Father Ly, Nguyen Van Dai, and Le Thi Cong Nhan have been charged with disseminating propaganda against the Socialist Republic of Vietnam under article 88 of the Penal Code;

Whereas if convicted, they each could be sentenced to up to 20 years in prison;

Whereas in none of their activities have Father Ly, Nguyen Van Dai, or Le Thi Cong Nhan advocated or engaged in

violence in their opposition to the Vietnamese Government or its policies;

Whereas the arrest of and charges against Father Ly, Nguyen Van Dai, and Le Thi Cong Nhan violate Article 69 of the Vietnamese Constitution, which states that “The citizen shall enjoy freedom of opinion and speech, freedom of the press, the right to be informed and the right to assemble, form associations and hold demonstrations in accordance with the provisions of the law”;

Whereas Father Ly, Nguyen Van Dai, and Le Thi Cong Nhan have been arrested and charged in contravention of the rights enshrined in the International Covenant on Civil and Political Rights (ICCPR) to which Vietnam is a state party, specifically Article 18 (freedom of religion), Article 19 (freedom of expression) and Article 22 (freedom of association);

Whereas the United State Congress agreed to Vietnam becoming an official member of the World Trade Organization (WTO) in 2006, amidst assurances that the Vietnamese Government was steadily improving its human rights record and would continue to do so;

Whereas the group of Asian countries at the United Nations have nominated Vietnam as the sole regional candidate for a nonpermanent seat on the United Nations Security Council for the 2008–2009 biennium, and pursuant to the United Nations Charter, Vietnam would be required to discharge its duties in accordance with the purposes of the United Nations, including the promotion and encouragement of respect for human rights and fundamental freedoms for all; and

Whereas the arbitrary imprisonment and the violation of the human rights of citizens of Vietnam are sources of continuing, grave concern to Congress, and the arrests of Father Ly, Nguyen Van Dai, and Le Thi Cong Nhan are part of a trend toward increasing oppression of human rights advocates in Vietnam: Now, therefore, be it

1 *Resolved*, That—

2 (1) the House of Representatives—

3 (A) condemns and deplores the arbitrary
4 arrests of Father Nguyen Van Ly, Nguyen Van
5 Dai, and Le Thi Cong Nhan by the Govern-
6 ment of the Socialist Republic of Vietnam and
7 calls for their immediate and unconditional re-
8 lease and the dropping of all criminal charges,
9 and for the immediate and unconditional release
10 of all other political and religious prisoners;

11 (B) condemns and deplores the violations
12 of the freedoms of speech, religion, movement,
13 association, and the lack of due process af-
14 forded to individuals in Vietnam;

15 (C) challenges the qualifications of Viet-
16 nam to be a member of the United Nations Se-
17 curity Council, unless the Government of Viet-
18 nam begins immediately to respect human
19 rights and fundamental freedoms for all within
20 its own borders; and

1 (D) strongly urges the Government of
2 Vietnam to consider the implications of its ac-
3 tions for the broader relationship between the
4 United States and Vietnam; and

5 (2) it is the sense of the House of Representa-
6 tives that the United States should—

7 (A) make a top concern the immediate re-
8 lease, legal status, and humanitarian needs of
9 Father Nguyen Van Ly, Nguyen Van Dai, and
10 Le Thi Cong Nhan;

11 (B) use funds from the newly created
12 Human Rights Defenders Fund of the Depart-
13 ment of State to assist with the legal defense
14 and the needs of the families and dependents of
15 Father Ly, Nguyen Van Dai, and Le Thi Cong
16 Nhan;

17 (C) continue to urge the Government of
18 Vietnam to comply with internationally recog-
19 nized standards for basic freedoms and human
20 rights;

21 (D) make clear to the Government of Viet-
22 nam that it must adhere to the rule of law and
23 respect the freedom of religion and expression
24 in order to broaden its relations with the
25 United States;

1 (E) make clear to the Government of Viet-
2 nam that the detention of Father Ly, Nguyen
3 Van Dai, Le Thi Cong Nhan, and other polit-
4 ical prisoners and prisoners of conscience and
5 other human rights violations are not in the in-
6 terest of Vietnam because they create obstacles
7 to improved bilateral relations and cooperation
8 with the United States;

9 (F) if there is widespread harassment,
10 short-term detentions, long-term house deten-
11 tions, and arrests of religious leaders and reli-
12 gious-motivated rights defenders and activists,
13 re-impose on Vietnam the country of particular
14 concern (CPC) designation, which was removed
15 on November, 13, 2006, for severe and ongoing
16 violations of the freedoms of thought, con-
17 science, religion, and belief in Vietnam;

18 (G) make clear to the Government of Viet-
19 nam that the norms and responsibilities of join-
20 ing the international community are not fully
21 realized in Vietnam's WTO membership, and
22 that the issues of the freedoms of speech, as-
23 sembly, association, and the right of due proc-
24 ess are essential for a healthy trade and busi-
25 ness climate; and

1 (H) in order to advance these freedoms
2 and rights, and to strengthen the long-term re-
3 lationship between the United States and Viet-
4 nam, initiate new foreign assistance programs
5 to advance the capacity and networking abilities
6 of Vietnamese civil society, including new rule
7 of law programs to train Vietnamese human
8 rights lawyers, judges, academics, and students
9 about international human rights law; new pub-
10 lic diplomacy initiatives to inform and teach Vi-
11 etnamese citizens about international human
12 rights norms and responsibilities, and projects
13 that support organizations and associations
14 that promote the freedom of religion, speech,
15 assembly, and association.

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